

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

JAN 9 2001

PATRICK FISHER
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

SALVADOR ESTRADA-
HERMOSILLO,

Defendant-Appellant.

No. 00-2228

(D.C. No. CR-99-695-BB)
(D. N.M.)

ORDER AND JUDGMENT *

Before **SEYMOUR**, **EBEL** and **BRISCOE**, Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

Defendant Salvador Estrada-Hermosillo appeals his convictions and sentences for bringing illegal aliens across the international border between the

*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

United States and Mexico, transporting illegal aliens, and aiding and abetting.

See 8 U.S.C. § 1324(a)(2)(B)(ii); 8 U.S.C. § 1324(a)(1)(B)(i); 8 U.S.C.

§ 1324(a)(1)(A)(v)(II); 18 U.S.C. § 2. Defendant's counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967) . Defendant was notified on October 4, 2000, that he had thirty days in which to raise any points for setting aside his convictions. He has not responded . We affirm.

Defendant was indicted and pleaded guilty to two counts of bringing illegal aliens across the international border between the United States and Mexico, two counts of transporting an illegal alien, and aiding and abetting. His codefendant, Roberto Aragon-Montes, was indicted for the same four counts and pleaded guilty to two counts of transporting an illegal alien. Aragon-Montes was sentenced to concurrent terms of imprisonment of six months. At his sentencing hearing, defendant complained that he was being treated unfairly compared to Aragon-Montes. The court asked if he wanted to withdraw his guilty plea, but defendant declined. He was sentenced to concurrent sentences of three years for each count of bringing illegal aliens across the border and six months for each count of transporting an illegal alien.

Defendant raised no challenge to the voluntariness of his plea. He was given the opportunity to withdraw his plea, but declined. His sentence is the mandatory minimum sentence required by statute and is therefore proper. He has

presented no evidence that he received inadequate representation by his counsel.

Among the counts to which defendant pleaded guilty were two counts that carried

a mandatory three-year minimum (bringing illegal aliens across the border);

Aragon-Montes did not plead guilty to those charges. The district court did not

err in sentencing the codefendants differently in light of their different

convictions.

AFFIRMED. Counsel's motion to withdraw is GRANTED. The mandate shall issue forthwith.

Entered for the Court

Mary Beck Briscoe
Circuit Judge